

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

**MEMBERS:**  
Judge John F. Keenan  
United States District Court  
Southern District of New York

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

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June 14, 2005

TO INVOLVED JUDGES

Re: MDL-1705—In re Xybernaut Corp. Securities Litigation

(See Attached Schedule of Actions)

Dear Judges:

Presently before the Panel pursuant to 28 U.S.C. § 1407 is a motion to transfer which includes at least one action before you in the above-described docket. The parties will have an opportunity to fully brief the question of transfer and the matter will be considered at a bimonthly Panel hearing session. In the meantime, your jurisdiction continues until any transfer ruling by the Panel becomes effective.

If you have a motion pending – such as a motion to remand to state court (if the action was removed to your court) – you are free to rule on the motion, of course, or wait until the Panel has decided the transfer issue. The latter course may be especially appropriate if the motion raises questions likely to arise in other actions in the transferee court and, in the interest of uniformity, might best be decided there if the Panel orders centralization.

Please feel free to contact our staff in Washington with any questions.

Kindest regards,



Wm. Terrell Hodges  
Chairman

**SCHEDULE OF ACTIONS**  
**DOCKET NO. 1705**  
**IN RE XYBERNAUT CORP. SECURITIES LITIGATION**

District of Delaware

*Robert H. Aylor, Jr. v. Xybernaut Corp., et al.*, C.A. No. 1:05-222 (Judge Sue L. Robinson)  
*Moshe Tal v. Xybernaut Corp., et al.*, C.A. No. 1:05-242 (Judge Sue L. Robinson)  
*Michael Fehrenbacher v. Xybernaut Corp., et al.*, C.A. No. 1:05-256 (Judge Sue L. Robinson)  
*Jeffrey M. Jaskol, et al. v. Xybernaut Corp., et al.*, C.A. No. 1:05-268 (Judge Sue L. Robinson)  
*Joseph Daniel Wauhop v. Xybernaut Corp., et al.*, C.A. No. 1:05-310 (Judge Sue L. Robinson)  
*Christina W. Donnelly, et al. v. Xybernaut Corp., et al.*, C.A. No. 1:05-334 (Judge Joseph J. Farnan, Jr.)  
*Charles W. Smith v. Xybernaut Corp., et al.*, C.A. No. 1:05-354 (Judge Sue L. Robinson)

Eastern District of Virginia

*Don R. Heilman v. Xybernaut Corp., et al.*, C.A. No. 1:05-525 (Judge Leonie M. Brinkema)  
*Simona Zuccarelli v. Xybernaut Corp., et al.*, C.A. No. 1:05-610 (Judge Leonie M. Brinkema)  
*Dean Lawthers v. Xybernaut Corp., et al.*, C.A. No. 1:05-617 (Judge Thomas S. Ellis, III)